

SUMMARY OF TRAPPING LAWS AND REGULATIONS

Laws and regulations that apply when trapping for profit to alleviate animal damage and nuisance wildlife problems:

- Trapping license is required if working for an animal damage/nuisance wildlife control company (Fish and Game Code Section 4005)
- You must have your trapping license in your immediate possession while trapping for either commercial fur or nuisance wildlife control purposes (FGC Sect. 1054.2)
- Cage and box traps, nets, suitcase-type live beaver traps, and common rat and mouse traps are not considered body-gripping traps (Title 14 California Code of Regulations Section 465.5)
- Leg-hold traps may be used only to protect human health or safety, and only by government agencies (T 14 CCR Sect. 465.5)
- Body-gripping traps may be used to prevent property damage (T 14 CCR Sect. 465.5)
- Poison is not an authorized method of take (T 14 CCR Sect. 465.5 & 475)
- Steel-jawed leg-hold traps are prohibited (T 14 CCR Sect. 465.5)
- Traps must be inspected and trapped animals removed at least once daily (T 14 CCR Sect. 465.5)
- A trapper must either euthanize a trapped animal or release it immediately on site (T 14 CCR Sect. 465.5)
- It is illegal to set or maintain traps which do not bear a number or other identifying mark registered to the department (T 14 CCR Sect. 465.5)
- A trapper may not set a trap within 150 yards of any structure used as a permanent or temporary residence, unless such traps are set by a person controlling such property or by a person who has and is carrying with him written consent of the landowner to so place the trap or traps (T 14 CCR Sect. 465.5)
- Depredating fur-bearing or nongame mammals, taken by trapping, may not be bought or sold (T 14 CCR Sect. 465.5)
- The pelts of animals taken with body-gripping traps may not be sold (T 14 CCR Sect. 465.5)
- A trapping license may be revoked for a violation of the trapping laws and regulations (FGC Sect. 4043)
- Fur-bearing and/or nongame mammals that are injuring property may be taken at any time and/or in any manner (FGC Sect. 4152 & 4180)

Laws and regulations that apply when trapping for fur:

- Trapping license is required (FGC Sect. 4005)
- You must have your trapping license in your immediate possession while trapping for either commercial fur or nuisance wildlife control purposes (FGC Sect. 1054.2)

- Cage and box traps, nets, suitcase-type live beaver traps, and common rat and mouse traps are not considered body-gripping traps (T 14 CCR Sect. 465.5)
- Leg-hold traps may be used only to protect human health or safety, and only by government agencies (T 14 CCR Sect. 465.5)
- Body-gripping traps may not be used when trapping for fur (T 14 CCR Sect. 465.5)
- Poison is not an authorized method of take (T 14 CCR Sect. 465.5 & 475)
- Steel-jawed leg-hold traps are prohibited (T 14 CCR Sect. 465.5)
- Traps must be inspected and trapped animals removed at least once daily (T 14 CCR Sect. 465.5)
- A trapper may not set a trap within 150 yards of any structure used as a permanent or temporary residence, unless such traps are set by a person controlling such property or by a person who has and is carrying with him written consent of the landowner to so place the trap or traps (T 14 CCR Sect. 465.5)
- A trapper must either euthanize a trapped animal or release it immediately on site (T 14 CCR Sect. 465.5)
- It is illegal to set or maintain traps which do not bear a number or other identifying mark registered to the department (T 14 CCR Sect. 465.5)
- An annual trapping report is required by July 1 (T 14 CCR Sect. 467)
- A trapping license may be revoked for a violation of the trapping laws and regulations (FGC Sect. 4043)
- Commercial fur takers who use dogs or predator calls must abide by both hunting and trapping laws and regulations (T 14 CCR Sect. 478)

TITLE 14 CALIFORNIA CODE OF REGULATIONS

§263. Prohibition Against Night Hunting.

Notwithstanding any other provisions of these regulations, hunting wildlife from one-half hour after sunset to one-half hour before sunrise is prohibited in Monterey and San Benito counties east of Highway 101.

§264. Use of Lights While Hunting--Specific Areas.

- (a) Lights of any size or voltage may be used to take furbearing or nongame mammals only in the areas described in subsections (b) and (c) below, and only under the following conditions:
 - (1) The use of lights for night hunting is prohibited in any area where the general deer season is open.
 - (2) Furbearing mammals and nongame mammals may be taken with the aid of a spotlight or other artificial light operated from a vehicle provided such vehicle is stopped and standing with the motor off. No spotlight may be used from a vehicle which is on a public road or highway.
- (b) Zone 1. (Portions of Butte, Colusa, Glenn, Placer, Sacramento, Sutter, Tehama, Yolo and Yuba counties.) Area: Within the boundary beginning at the junction of Interstate 880 and Interstate 5 near Sacramento; east on Interstate 880 to its junction with Interstate 80; north and east on Interstate 80 to its junction with Highway 65 near Roseville, along Highway 65 to its junction with Highway 20 at Marysville; west on Highway 20 to its junction with Highway 45; north on Highway 45 to its junction with Highway 162; east on Highway 162 to its junction with Highway 99; north on Highway 99 to South Avenue near the town of Corning; west on South Avenue to Interstate 5 in Corning; north on Interstate 5 to Corning Road; west on Corning Road to Paskenta Road; west on the Paskenta Road to the town of Paskenta; southwest on the Round Valley Road to the Garland Road; south on the Garland Road to the town of Newville; south on the Newville-Elk Creek Road to the town of Elk Creek; south on the Elk Creek-Stonyford Road to the town of Stonyford; south on the Stonyford-Leesville Road to the town of Ladoga; south on the Stonyford-Leesville Road to the town of Leesville; south from Leesville on the Bear Valley Road to its intersection with Highway 20; east on Highway 20 to its intersection with Highway 16; south and east on Highway 16 to its intersection with Interstate 5; east on Interstate 5 to Interstate 880 and the point of beginning.
- (c) Zone 2. (Portions of Inyo, Kern, Los Angeles, Mono and San Bernardino counties and all of Imperial, Orange, Riverside and San Diego counties.)
Area: Inyo, Mono and Kern counties south and east of a line beginning at the junction of Highway 182 and the California-Nevada state line; south on Highway 182 to its junction with Highway 395; south on Highway 395 to its intersection with Highway 168 at Bishop; west on Highway 168 to its intersection with the Inyo National Forest boundary; south on the Inyo National Forest boundary to its junction with County Highway J41; south and east on County Highway J41 to its junction with Highway 395; south on Highway 395 to its junction with Highway 14 near Inyokern; south on Highway 14 to its junction with Highway 178 at Freeman; west on Highway 178 to its junction with the Bodfish-Caliente Road at Isabella; south on the Bodfish-Caliente

Road to its junction with Highway 58; east on Highway 58 to its junction with the Los Angeles Aqueduct; south and west on the Los Angeles Aqueduct Road to its junction with 265th Street West near Neenach; south on 265th Street West to its junction with the Elizabeth Lake-Pine Canyon Road at Three Points; east along the Elizabeth Lake-Pine Canyon Road to its junction with Highway 14 at Palmdale; south on Highway 14 to its intersection with the Angeles Forest Highway; south on the Angeles Forest Highway to the Mill Creek Summit Road; east and south on the Mill Creek Summit Road to its intersection with the Angeles Crest Highway (Highway 2) at Upper Chilao Campground; east on the Angeles Crest Highway to its intersection with the Los Angeles-San Bernardino county line; north on the Los Angeles-Kern-San Bernardino county line to its intersection with Highway 58; east on Highway 58 to its intersection with the range line between R3W and R4W; south along the range line between R3W and R4W to the southeast corner of T8N, R4W; east along T8N to its intersection with the west boundary of the U.S. Marine Corps Training Center; south and east on that boundary to its intersection with Giant Rock Road; east along Giant Rock Road to a point where it turns southeast and corresponding with a projected north extension of Sunfair Road; south on Sunfair Road and its projected extension to the San Bernardino-Riverside county line; and all of Imperial, Orange, Riverside and San Diego counties.

§264.5. Use of Lights While Hunting--Remainder of State.

Lights may be used, in those portions of the state not listed in Section 264, to take furbearers and nongame mammals under the following conditions only:

- (a) Only 9 volt lights or smaller, hand-held or worn on the head are permitted.
- (b) Persons using such lights must be on foot.
- (c) Lights may not be used in or from a vehicle and may not be attached or powered from any source other than self-contained batteries.
- (d) A landowner or tenant suffering damage to livestock or other property by furbearing mammals or nongame mammals may designate, in writing, persons allowed by such landowner or tenant to use artificial lights in excess of 9 volts to assist in taking the depredating mammals. The landowner or tenants shall notify the closest fish and game office whenever furbearing or nongame mammals are taken under this authority.

No furbearing or nongame mammals including any threatened, endangered or fully protected species may be taken contrary to any other prohibition set forth in these regulations.

§265. Use of Dogs for Pursuit/Take of Mammals or for Dog Training.

- (a) Prohibitions on the Use of dogs. The use of dogs for the pursuit/take of mammals or for dog training is prohibited as follows.
 - (1) The use of dogs is prohibited during the archery seasons for deer or bear.
 - (2) The use of dogs is prohibited for the take of elk, bighorn sheep and antelope.
 - (3) Mountain lions may not be pursued with dogs except under the provisions of a depredation permit issued pursuant to Section 4803 of the Fish and Game Code. Dog training on mountain lions is prohibited.

- (4) The use of dogs for the pursuit/take of mammals or for dog training is prohibited from the first Saturday in April through the day preceding the opening of the general deer season in the following dog control zones:
- (A) Central California Dog Control Zone: Napa County north of Highway 128 and east of Highway 29; Lake County east of a line beginning at the Lake-Napa county line and Highway 29; northwest on Highway 29 to Highway 20; northwest on Highway 20 to the Lake-Mendocino county line; Mendocino County east of Highway 101, and north of Highway 20; Sierra and Alpine counties, and those portions of Nevada, Placer, Amador and Calaveras counties east of Highway 49; and El Dorado County east of the following line: Beginning at the junction of Highway 49 and the Placer-El Dorado county line; south on Highway 49 to Highway 193 at Cool; east and south along Highway 193 to Highway 49 in Placerville; south on Highway 49 to the Amador-El Dorado county line.
- (B) Northern California Dog Control Zone: Plumas and Trinity counties; Butte County east of the following line: Beginning at the junction of Highway 99 and the Butte-Tehama county line; south and east along Highway 99 to Highway 149; south and east along Highway 149 to Highway 70; south along Highway 70 to the Butte-Yuba county line; Del Norte County east of Highway 101; Glenn County west of a line beginning at the intersection of the Stonyford-Ladoga Road and the Glenn-Tehama county line; south along this road to the Colusa-Glenn county line; Humboldt County north and east of Highway 36 and 101; Siskiyou County south and west of the following line; from the Oregon-California state line south on Interstate 5 to Highway 97 at the town of Weed; north on Highway 97 to the town of Macdoel; south from Macdoel on the Mt. Hebron Road to the Redrock Road; east on the Redrock Road to the Davis Road; north on David Road to the Gold Digger Pass Road; east on the Gold Digger Pass Road to the western boundary of the Lava Beds National Monument; north and east on said boundary to the Siskiyou-Modoc county line; Shasta County south and west of Highways 89 and 44 and north of the following line; where the Trinity National Forest boundary intersects the Shasta-Tehama county line; north on said boundary to Highway 36 near the town of Platina; east on Highway 36 to County Road A16; north on Road A16 to the city of Redding; north on Interstate 5 to the south shore of Shasta Lake; east and north along the shore of Shasta Lake to Fender's Ferry Road; southeast on Fender's Ferry Road to Highway 299; southwest on Highway 299 to Oakrun; southwest on the Oakrun Road to Fern Road; east and south on Fern Road to the town of Whitmore; south on Ponderosa Way to Highway 44 near Innwood; east on Highway 44 and the Wilson Hill Road to the Shasta-Tehama county line; those portions of Tehama County within the Mendocino and Trinity National Forests and east of the Ponderosa Truck Trail; those portions of Lassen County north and west of the following line: north from the Lassen-Sierra county line on Highway 395 to Highway 36 east of Susanville; northwest on Highway 36 to Highway 139; north on Highway 139 to the Lassen-Modoc county line.
- (C) Southern Sierra Dog Control Zone: Those portions of Tuolumne, Mariposa, Madera, Fresno and Tulare counties east of the following line: Beginning at the intersection of Highway 49 and the Calaveras-Tuolumne county line; south on Highway 49 to Highway 120; east on Highway 120 to the Smith Station Road

(J20); south on the Smith Station Road (J20) to the Greeley Hill Road; east on the Greeley Hill Road to the North Fork of the Merced River at Bower Cave; south on the North Fork of the Merced River to Road 3S15 (Black Mountain Road); east on Road 3S15 to Forest Service Road 3S02; southwest on Forest Service Road 3S02 crossing the U.S. Forest Service-Bureau of Land Management property boundary in Section 28 located in Township 3S, Range 18E to Forest Service Road 2S05 (Bull Creek Road); south on Forest Service Road 2S05 (Bull Creek Road) to the Main Fork of the Merced River; west on the Main Fork of the Merced River to Highway 49; south on Highway 49 to Highway 140 at Mariposa; north on Highway 140 to the South Fork of the Merced River; east along the South Fork of the Merced River to Hite Cove and south on the U.S. Forest Service Road and its continuation from Hite Cove, through Jerseydale Station and Darrah to the Triangle Road; south along the Triangle Road to Highway 49; south along Highway 49 to Highway 41 at Oakhurst; north along Highway 41 to its intersection with the Bass Lake Road at Yosemite Forks; south along Bass Lake Road and Road 274 past Bass Lake on the east side of the lake to the junction with the Mammoth Pool Road at North Fork; south along the North Fork-Auberry Road to the San Joaquin River; east along the San Joaquin River to Italian Bar Road at the Italian Bar Bridge; south on Italian Bar Road to Jose Basin Road (County Road M2441; east on Jose Basin Road (County Road M2441) to its intersection with Forestry Service Roads 8S08 (Railroad Grade Road) and 9S07 (Jose Basin Road); south on 9S07 (Jose Basin Road) to Auberry Road near Pine Ridge; east on Auberry Road to Highway 168; east on Highway 168 to Toll House Road; south on Toll House Road to Peterson Mill Road; east on Peterson Mill Road to Rush Creek Road at Soaproot Saddle; south on Rush Creek Road to Big Creek Road; east on Big Creek Road to Dinkey-Trimmer Road at Haslett Basin; east on Dinkey-Trimmer Road to Sycamore Springs Road; east on Sycamore Springs Road to Black Rock Road at Balch Camp; east on the Black Rock Road to the Rodgers Ridge Road at Black Rock Station; east along Rodgers Ridge Road to Garlic Spur; south on Garlic Spur to the Kings River; west along the Kings River to Verplank Ridge; south on Verplank Ridge-Hoise Ridge to Highway 180 near Cherry Gap; south along Highway 180 to the north boundary of Kings Canyon National Park; south along that park boundary and along the west boundary of Sequoia National Park to the boundary of Sequoia National Forest between Grouse Peak and Dennison Mountain; south along the common line between R29E and R30E, M.D.B.M. to the boundary of the Sequoia National Forest; east and south along that boundary to Balch Park Road; southeast along that road to the west boundary of Mountain Home State Forest; south and east along that boundary to Forest Trail 30E15; southeast along 30E15 to the Doyle Springs Road; southwest along Doyle Springs Road to Camp Wishon; southeast along the Alder Creek Grove-Hossack Meadow Road to Camp Nelson; south along Highway 190 and the Coy Flat Road to the boundary of the Tule River Indian Reservation; south along the east boundary of that reservation to Parker Peak; southeast through Upper Parker Meadow to Parker Pass; south through Starvation Creek Grove to the southwest corner of Section 15, T23S, R31E, M.D.B.M.; east to the northeast corner of Section 22, T23S, R31E,

- M.D.B.M.; south approximately 6 miles to Sugarload Campground; southeast along the Forest Road 24S06 through Portuguese Pass to the Tulare-Kern county line; that portion of Kern County within a line beginning where the Tulare-Kern county line intersects the west boundary of the Sequoia National Forest; south along the said boundary to the Poso Flat-Davis Station Road; northeast along said road through Davis Flat and Shirley Meadow to Forest Highway 90 at Greenhorn Summit; northeast along Forest Highway 90, Cow Creek and Bull Run Creek to the Tulare-Kern county line; west along said county line to the point of beginning; and those portions of Inyo and Mono counties west of Highway 395.
- (D) Southern California Dog Control Zone: Those portions of Los Angeles, Ventura and Santa Barbara counties within the Los Padres and Angeles National Forests; and those portions of San Bernardino County within the San Bernardino and Angeles National Forests.
- (b) Authorized Use of Dogs. The use of dogs for the pursuit/take of mammals or for dog training is authorized as follows:
- (1) Dog Control Zones. The use of dogs for the pursuit/take of mammals or for dog training is permitted in the dog control zones described in subsections 265(a)(4)(A), (B), (C) and (D) from the opening day of the general deer season through the first Friday in April.
 - (2) Areas of the State Outside the Dog Control Zones. The use of dogs for the pursuit/take of mammals or for dog training in areas outside of the dog control zones is permitted year-round, except for closures and restrictions described in this Section 265 and section 364, and the provisions of sections 3960 and 4800 of the Fish and Game Code which prohibit allowing any dog to pursue any big game mammal during the closed season on such mammal or mountain lions, elk or any fully-protected, threatened or endangered mammal at any time.
 - (3) Take of Depredating Mammals. The use of dogs is permitted for pursuing/taking depredating mammals by federal and county animal damage control officers or by permittees authorized under a depredation permit issued by the department.
 - (4) Take of Furbearers and Nongame Mammals. Furbearers and nongame mammals as specified in Section 472(a) may be taken with the aid of dogs during the appropriate open season, except for closures and restrictions described in subsections 265(a) and (b).
 - (5) Prohibition on Starting Pursuit Within 400 Yards of Baited Area. Pursuits may not be started within 400 yards of a baited area as described in Section 257.5 of these regulations.
 - (6) Dog Training. Except for the prohibitions of subsection 265(a), dog training is permitted pursuant to the following provisions:
 - (A) Dog Training Defined. For purposes of these regulations, dog training is defined as the education of dogs through “breaking” or “practicing” under strict provisions that preclude the injuring or take of animals. Training is distinguished from “pursuit”, as used in Section 86 of the Fish and Game Code, in that the animal being chased shall not be killed, captured, or injured.
 - (B) Prohibition on Killing, Capturing or Injuring Mammals. No person shall kill, capture or injure any mammal, nor shall any person's dog be allowed to kill, capture or injure any mammal during dog training.

- (C) Prohibition on Possession of Equipment. No firearm, archery gear, crossbow or other instrument capable of killing, injuring or capturing any animal may be possessed by any person training dogs during the seasons described in subsection 265(b)(6)(F) below. Possession of a firearm, archery gear, crossbow or other instrument capable of killing or capturing any animal is prohibited while training dogs, but such equipment may be transported to or from a campsite, transported to or from a residence or lawfully possessed by a person at a campsite provided all dogs are secured and under the control of the owner, agent or person training or transporting said dogs.
- (D) Prohibition on Starting Dog Training Within 400 Yards of Baited Area. Dog Training may not be started within 400 yards of a baited area as described in Section 257.5 of these regulations.
- (E) Prohibition on Training Dogs on Bear and Other Big Game Mammals or on Protected, Threatened or Endangered Mammals. It shall be unlawful to train any dog on any big game mammal or to train any dog on any fully-protected, threatened or endangered mammal at any time. A person in possession of a valid bear tag may utilize the general bear season for purposes of educating dogs for bear. A person in possession of a valid deer tag may utilize the general deer season for purposes of educating a dog for deer. Only one dog may be used for training in areas where the general deer season (as described in subsection 360(a) and (b)) is open.
- (F) Seasons.
 - (1) Gray Fox. Dogs may be trained on gray fox from March 1 through the day preceding the opening of the general gray fox season, except for closures and restrictions described in subsections 265(a) and (b).
 - (2) Raccoon. Dogs may be trained on raccoon from April 1 through the day preceding the opening of the general raccoon season, except for closures and restrictions described in subsections 265(a) and (b).
 - (3) Bobcat. Dogs may be trained on bobcat from the day following the close of the bobcat seasons through the day preceding the opening of the general bobcat seasons, except for closures and restrictions described in subsections 265(a) and (b).
 - (4) Other Mammals. Except for closures and prohibitions described in this Section 265 and sections 3960 and 4800 of the Fish and Game Code, dogs may be trained on mammals other than gray fox, raccoon and bobcat at any time.
- (c) Restrictions on the Number of Dogs per Hunter.
 - (1) One Dog per Hunter Limitation During Deer Season. No more than one dog per hunter may be used in the area where the general deer season is open.
 - (2) Three Dogs per Hunter Limitation for the Take of Wild Pigs. Up to three dogs per hunter may be used for the purpose of taking wild pigs, pursuant to the following provisions:
 - (A) No more than one dog per hunter may be used in an area where the general deer season is open.
 - (B) No dogs may be used within the closures described in subsection 265(a).

- (C) After the general deer season (as described in subsections 360(a) and (b)) closes, there is no limit on the number of dogs that may be used during the general bear season.
- (D) Prohibition on Treeing Switches and Use of Global Positioning System Equipment.
 - (1) Treeing Switches. Effective July 1, 1995, electronic dog retrieval collars containing functioning treeing switches (devices consisting of a mercury switch mechanism that results in a change in the transmitted signals when the dog raises its head to a treed animal) are prohibited on dogs used for the pursuit/take of mammals.
 - (2) Global Positioning System Equipment. Electronic dog retrieval collars employing the use of global positioning system equipment (devices that utilize satellite transmissions) are prohibited on dogs used for the pursuit/take of mammals.

§401. Issuance of Permit to Take Animals Causing Damage.

- (a) Application. A person who is a property owner or tenant may apply to the department for a permit to take elk, bear, beaver, wild pigs, deer, or gray squirrels that are damaging or destroying, or threatening to damage or destroy, land or property.
- (b) Permit Period. Permits issued pursuant to this section shall be valid for a period not to exceed one year, except that permits for elk, bear, or deer shall not be valid for more than 60 days. Permits may be renewed if damage or threatened damage to land or property continues to exist.
- (c) Form and Conditions of Permit. Applications shall be made on form entitled “PERMIT TO KILL DEER, BEAR, ELK, WILD PIG, GRAY SQUIRREL, BEAVER, OR MOUNTAIN LION CAUSING CROP OR PROPERTY DAMAGE” (FY99/00 WPB 50K). The department may add terms and conditions to the permit necessary to protect wildlife and ensure public safety. The permit shall contain a statement signed by the applicant that he/she has read, understands, and agrees to be bound by all the terms of the permit.
- (d) Methods of Take:
 - (1) Animals taken pursuant to a permit may be taken in any manner except as herein provided and in accordance with the provisions of Section 465.5 of these regulations. Permits to take deer shall include conditions that comply with Fish and Game Code section 4181.5. No iron-jawed or any type of metal-jawed traps may be used to take squirrels or bears. No poison may be used. The department may specify the caliber and type of firearm and ammunition, archery equipment or crossbow to be used based upon safety considerations. The department may require that a permittee take animals alive by the use of live traps.
 - (2) All traps set for bear must be set within a pen with the entrance guarded by a cross-bar no more than 24 inches above the ground. Two signs, at least 8 x 10 inches in size, worded “DANGER--BEAR TRAP” must be posted within 15 feet on two sides of the trap. No trail or blind sets may be used for bear.

- (3) The permittee and/or agent shall ensure that all animals are killed in a humane manner and shall make every effort to kill the animals instantly and prevent any injured animal from escaping.
- (e) Government Employees and Designated Agents.
 - (1) An employee of a federal, State, or local government agency or local district with responsibilities including but not limited to animal control, animal damage control, irrigation, flood, or natural resource reclamation, while acting in his/her official capacity may take depredating animals on the property designated in a permit issued pursuant to this section.
 - (2) The permittee may designate up to three other persons as his/her agents to take animals under the terms of the permit. A designated agent shall be any person who is acting under the direction and control of the permittee and who is 21 years of age or older. The designated agent(s) shall be named on the permit. The permittee may substitute designated agents with prior written approval of the department.
- (f) Persons Prohibited from Taking Animals. No person may take animals pursuant to the permit if he/she has been convicted of a violation related to the take or possession of game or furbearing mammals in the past 12 months or if he/she is on probation and may not hunt or possess a firearm as part of the terms of probation. A landowner who is on probation and may not hunt or possess a firearm as part of the terms of probation must designate a qualified agent to take animals under a permit.
- (g) Written Report Required for Wild Pigs. The permittee shall provide a report listing the date and sex of each wild pig taken. A report shall be submitted whether or not any animals were taken. The reporting period shall be by calendar month. The permittee or designated agent shall complete and mail the report to the department on or before the 15th day of the following month. Reports shall be mailed to: Department of Fish and Game, Wildlife Programs Branch, 1416 Ninth St., Sacramento, CA 95814.
- (h) Tagging Animals. All animals taken pursuant to a permit, except wild pigs, shall be immediately tagged with tags provided by the department. Wild pigs shall be tagged prior to being transported from the property designated in the permit. Tags for animals except wild pigs shall be completed at the time the animal is taken. Tags for wild pigs shall be completed before the wild pigs are removed from the property. Tags shall clearly show the permittee's name, address, date and location the animal was taken and shall include the signature of the person taking the animal.
- (i) Utilization of Carcass. Animals taken pursuant to this permit must be disposed of as required in the permit. No animals, except wild pigs, may be utilized by the permittee or designated agent. The permittee or designated agent may leave the carcass of any wild pig where it was taken for reasons of high air temperatures, disease, parasites, or conditions which preclude use of the carcass. A person who makes every reasonable attempt to utilize the carcass of any wild pig as required in this subsection shall be deemed to be in compliance with Section 4304 of the Fish and Game Code.
- (j) Suspension and Revocation of Permits.
 - (1) Permits may be suspended temporarily by the director for a breach or violation of the permit by the holders thereof, their agents, servants, employees or any

person acting under their direction and control. The commission shall be notified of any such suspension and subsequently may revoke or reinstate the permit, or fix the period of its suspension, after written notice to the permittee and the permittee has been afforded an opportunity to be heard.

- (2) Any person who has had his/her permit revoked or suspended by the commission shall be required, upon application for a new or subsequent permit, to appear before the commission and demonstrate to its satisfaction that the use of such a permit will be consistent with depredation control, with these regulations, and with the laws under which they are promulgated.
- (k) It is unlawful for a permittee or agent to violate any of the terms or conditions of a permit issued pursuant to this section.
- (l) The permit does not invalidate any city, county or state firearm regulation.

§460. Fisher, Marten, River Otter, Desert Kit Fox and Red Fox.

Fisher, marten, river otter, desert kit fox and red fox may not be taken at any time.

§461. Badger and Gray Fox.

- (a) Badger may be taken as follows:
 - (1) Season and Area: November 16 through the last day of February, statewide.
 - (2) Bag and Possession Limit: No limit.
- (b) Gray fox may be taken as follows:
 - (1) Season and Area: November 24 through the last day of February, statewide.
 - (2) Bag and Possession Limit: No limit.
 - (3) Dogs may be permitted to pursue gray fox in the course of breaking, training, or practicing dogs in accordance with the provisions of Section 265 of these regulations.

§462. Muskrat and Mink.

Except as noted in Section 4180, Fish and Game Code, muskrat and mink may be taken only as follows:

Season and Area: November 16 through March 31, statewide. (This regulation supersedes Section 4001 of the Fish and Game Code.)

Bag and Possession Limit: No limit.

§463. Beaver.

Beaver may be taken only as follows:

- (a) Season and Area: November 1 through March 31 in the counties of Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Imperial, Inyo, Kern, Kings, Lake, Lassen, Madera, Mariposa, Merced, Modoc, Mono, Monterey, Nevada (except Sagehen Creek), Placer, Plumas, Sacramento, San Joaquin, San Luis Obispo, Shasta, Sierra, Siskiyou, Solano, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo and Yuba; and those portions of Riverside and San Bernardino counties within 10 miles of the Arizona-California border. (This regulation supersedes Section 4001 of the Fish and Game Code.)

Bag and Possession Limit: There is no bag or possession limit in these areas for the taking of beaver.

- (b) Beaver or any part thereof may not be taken in the balance of the state including the counties of Los Angeles, Marin, Mendocino, Napa, Orange, San Benito, San Diego, San Francisco, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Sonoma, and Ventura; and those portions of Riverside and San Bernardino counties further than 10 miles from the California-Arizona border. (This regulation supersedes Section 4001 of the Fish and Game Code.)

§464. Raccoon.

(a) Seasons and Areas:

- (1) Raccoon may be taken from July 1 through March 31 in the following area: All of Imperial County and those portions of Riverside and San Bernardino counties lying south and east of the following line: Beginning at the intersection of Highway 86 with the north boundary of Imperial County; north along Highway 86 to the intersection with Interstate 10; east along Interstate 10 to its intersection with the Cottonwood Springs Road in Section 9, T6S, R11E, S.B.B.M.; north along the Cottonwood Springs Road and the Mecca Dale Road to Amboy; east along Highway 66 to the intersection with Highway 95; north along Highway 95 to the California-Nevada state line.

- (2) November 16 through March 31 in the balance of the state.

(b) Bag and Possession Limit: No limit.

- (c) Method of Take: When taking raccoon after dark, pistols and rifles not larger than .22 caliber rimfire and shotguns using shot no larger than No. BB are the only firearms which may be used during this night period. (This regulation supersedes Sections 4001 and 4002 of the Fish and Game Code.) (See Sections 264 and 264.5 for light regulations.)

- (d) Dogs may be permitted to pursue raccoons in the course of breaking, training or practicing dogs in accordance with the provisions of Section 265 of these regulations

§465. Methods for Taking Furbearers.

Furbearing mammals may be taken only with a firearm, bow and arrow, or with the use of dogs, or traps in accordance with the provisions of Section 465.5 of these regulations and Section 3003.1 of the Fish and Game Code.

§465.1. Use of Dogs in Taking Furbearers.

§465.5. Use of Traps.

- (a) Traps Defined. Traps are defined to include padded-jaw leg-hold, steel-jawed leg-hold, and conibear traps, snares, dead-falls, cage traps and other devices designed to confine, hold, grasp, grip, clamp or crush animals' bodies or body parts.
- (b) Affected Mammals Defined. For purposes of this section, furbearing mammals, game mammals, nongame mammals, and protected mammals are those mammals so defined by statute on January 1, 1997, in sections 3950, 4000, 4150 and 4700 of the Fish and Game Code.

- (c) Prohibition on Trapping for the Purposes of Recreation or Commerce in Fur. It is unlawful for any person to trap for the purposes of recreation or commerce in fur any furbearing mammal or nongame mammal with any body-gripping trap. A body-gripping trap is one that grips the mammal's body or body part, including, but not limited to, steel-jawed leg-hold traps, padded-jaw leg-hold traps, conibear traps, and snares. Cage and box traps, nets, suitcase-type live beaver traps, and common rat and mouse traps shall not be considered body-gripping traps and may be used to trap for the purposes of recreation or commerce in fur any furbearing or nongame mammal.
- (d) Prohibition on Exchange of Raw Fur. It is unlawful for any person to buy, sell, barter, or otherwise exchange for profit, or to offer to buy, sell, barter, or otherwise exchange for profit, the raw fur, as defined by Section 4005 of the Fish and Game Code, of any furbearing mammal or nongame mammal that was trapped in this state, with a body-gripping trap as described in subsection (c) above.
- (e) Prohibition on Use of Steel-jawed Leg-hold Traps by Individuals. It is unlawful for any person to use or authorize the use of any steel-jawed leg-hold trap, padded or otherwise, to capture any game mammal, furbearing mammal, nongame mammal, protected mammal, or any dog or cat
 - (1) Exception for Extraordinary Case to Protect Human Health or Safety. The prohibition in subsection (e) does not apply to federal, state, county, or municipal government employees or their duly authorized agents in the extraordinary case where the otherwise prohibited padded-jaw leg-hold trap is the only method available to protect human health or safety.
 - (A) Leg-hold Trap Requirements. Leg-hold traps used to implement subsection (e)(1) must be padded, commercially manufactured, and equipped as provided in subsections (A)1. through (A)5. below:
 - 1. Anchor Chains. Anchor chains must be attached to the center of the padded trap, rather than the side.
 - 2. Chain Swivels. Anchor chains must have a double swivel mechanism attached as follows: One swivel is required where the chain attaches to the center of the trap. The second swivel may be located at any point along the chain, but it must be functional at all times.
 - 3. Shock Absorbing Device. A shock absorbing device such as a spring must be in the anchor chain.
 - 4. Tension Device. Padded leg-hold traps must be equipped with a commercially manufactured pan tension adjusting device.
 - 5. Trap Pads. Trap pads must be replaced with new pads when worn and maintained in good condition.
- (f) Use of Non-Body-Gripping Traps for Purposes of Recreation or Commerce in Fur. Any person who utilizes non-body-gripping traps for the take of furbearing mammals and nongame mammals for purposes of recreation or commerce in fur must comply with the provisions of subsections (g)(1) through (3) below.
 - (1) Trap Number Requirement. Any person who traps furbearing mammals or nongame mammals shall obtain a trap number issued by and registered with

the department. All traps, before being put into use, shall bear only the current registered trap number or numbers of the person using, or in possession of those traps. This number shall be stamped clearly on the trap or on a metal tag attached to the chain of the trap or to any part of the trap.

- (g) Use of Conibear Traps, Snares, Cage and Box Traps, Nets, Suitcase-type Live Beaver Traps and Common Rat and Mouse Traps for Purposes Unrelated to Recreation or Commerce in Fur. Conibear traps, snares, cage and box traps, nets, suitcase-type live beaver traps and common rat and mouse traps may be used by individuals to take authorized mammals for purposes unrelated to recreation or commerce in fur, including, but not limited to, the protection of property, in accordance with subsections (1) through (5) below. Except for common rat and mouse traps, all traps used pursuant to this subsection must be numbered as required by subsection (f)(1) above. The prohibitions of subsections (c) and (d) above shall apply to any furbearing or nongame mammal taken by a conibear trap or snare pursuant to this subsection (g).
 - (1) Immediate Dispatch or Release. All furbearing and nongame mammals that are legal to trap must be immediately killed or released. Unless released, trapped animals shall be killed by shooting where local ordinances, landowners, and safety permit. This regulation does not prohibit employees of federal, state, or local government from using chemical euthanasia to dispatch trapped animals.
 - (2) Trap Visitation Requirement. All traps shall be visited at least once daily by the owner of the traps or his/her designee. Such designee shall carry on his/her person written authorization, as owner's representative, to check traps. In the event that an unforeseen medical emergency prevents the owner of the traps from visiting traps another person may, with written authorization from the owner, check traps as required. The designee and the person who issues the authorization to check traps shall comply with all provisions of Section 465.5. Each time traps are checked all trapped animals shall be removed.
 - (3) Trap Placement Requirement. Traps may not be set within 150 yards of any structure used as a permanent or temporary residence, unless such traps are set by a person controlling such property or by a person who has and is carrying with him written consent of the landowner to so place the trap or traps.
 - (4) Placement of Conibear Traps. Traps of the conibear-type with a jaw opening larger than 8" x 8" may be used only in sets where the trap is wholly or partially submerged in water or is:
 - (A) Within 100 feet of permanent water.
 - (B) Within 100 feet of seasonally flooded marshes, pastures, agricultural lands or floodways when standing or running water is present.
 - (C) Within the riparian vegetation zone, characterized by, but not limited to, willow, cottonwood, sycamore, salt cedar, cattail, bulrush and rushes, when found within the area defined in section 463(a) where the take of beaver is permitted.
 - (5) Zones Prohibited to the Use of Conibear-type Traps and Snares. Conibear-type traps and snares, except those totally submerged, and deadfall traps are prohibited in the following zones.

- (A) Zone 1: Beginning at Interstate 5 and Highway 89, east on Highway 89 to Harris Springs Road near Bartle, north on Harris Springs Road (primary U.S. Forest Service Road 15) to Powder Hill Road (primary U.S. Forest Service Road 49), northeast on Powder Hill Road to Road 42N56, east on Road 42N56 to the Siskiyou/Modoc county line, north on the Siskiyou/Modoc county line to the boundary of the Lava Beds National Monument, north along the eastern boundary of the Lava Beds National Monument, then west then south along the western boundary of the Lava Beds National Monument to Road 46N21, west along Road 46N21 over Gold Digger Pass to the western boundary of the Modoc National Forest, south along the western boundary of the Modoc National Forest to the boundary of the Shasta National Forest, west along the northern boundary of the Shasta National Forest to Highway 97, southwest on Highway 97 to Interstate 5, northwest on Interstate 5 to Old Highway 99, northwest on Old Highway 99 to Stewart Springs Road, southwest on Stewart Springs Road to the Yreka Ditch, west along the Yreka Ditch to the Gazelle/Callahan Road, southwest on the Gazelle/Callahan Road to Highway 3, south on Highway 3 to Ramshorn Road, northeast on Ramshorn Road to Castle Creek Road, east on Castle Creek Road to Interstate 5, north on Interstate 5 to the point of beginning.
- (B) Zone 2: Beginning in Tehama County at the intersection of Highway 36 and the western boundary of the Lassen National Forest, south along the western boundary of the Lassen National Forest to the boundary of the Plumas National Forest, south along the western boundary of the Plumas National Forest to the boundary of the Tahoe National Forest, south along the western boundary of the Tahoe National Forest to the boundary of the El Dorado National Forest, south along the western boundary of the El Dorado National Forest to the boundary of the Stanislaus National Forest, south along the western boundary of the Stanislaus National Forest to the boundary of the Sierra National Forest, south along the western boundary of the Sierra National Forest to the boundary of the Sequoia National Forest, south along the western boundary of the Sequoia National Forest to Highway 245, southwest on Highway 245 to Road 168, southwest on Road 168 to County Road J40, west on County Road J40 to Henderson Road, northwest on Henderson Road to Lincoln Avenue, west on Lincoln Avenue to Highway 145, north on Highway 145 to Avenue 7, west on Avenue 7 to Road 21, north on Road 21 to Avenue 12, west on Avenue 12 to Road 16, north on Road 16 to Avenue 18 1/2, west on Avenue 18 1/2 to Road 9, north on Road 9 to Highway 152, west on Highway 152 to Highway 59, north on Highway 59 to Highway 99, northwest on Highway 99 to Highway 140, west on Highway 140 to Highway 33, north on Highway 33 to Interstate 5, north on Interstate 5 to County Road J4, west on County Road J4 to County Road J2, north on County Road J2 to Highway 4, west on Highway 4 to Lone Tree Way, west on Lone Tree Way to James Donlon Boulevard, west on James Donlon Boulevard to Somersville Road, south on Somersville Road to Nortonville Road, north

on Nortonville Road to Kirker Pass Road, southwest on Kirker Pass Road to Clayton Road, southeast on Clayton Road to Mitchell Canyon Road, south on Mitchell Canyon Road to the boundary of Mount Diablo State Park, south along the western boundary of Mount Diablo State Park to Mt. Diablo Scenic Boulevard, south on Mt. Diablo Scenic Boulevard to Blackhawk Road, southeast on Blackhawk Road to Camino Tassajara, west on Camino Tassajara to Dougherty Road, south on Dougherty Road to Interstate 580, west on Interstate 580 to Interstate 680, south on Interstate 680 to Highway 84, northeast on Highway 84 to Holmes Street, south on Holmes Street to Wetmore Road, east on Wetmore Road to Arroyo Road, south on Arroyo Road to Del Valle Regional Park, southeast along the western boundary of Del Valle Regional Park to Arroyo Del Valle Creek, southeast on Arroyo Del Valle Creek to the Alameda/Santa Clara county line, east on the Alameda/Santa Clara county line to San Antonio Valley Road, south on San Antonio Valley Road to Del Puerto Canyon Road, east on Del Puerto Canyon Road to Santa Clara/Stanslaus county line, south along the Santa Clara/Stanslaus county line to the Santa Clara/Merced county line, south along the Santa Clara/Merced county line to the San Benito/Merced county line, south along the San Benito/Merced county line to Little Panoche Road, south on Little Panoche Road to Panoche Road, east on Panoche Road to New Idria Road, south along New Idria Road to Clear Creek Road, southwest on Clear Creek Road to Coalinga Road, southeast on Coalinga Road to Coalinga-Mineral Springs Road, south on Coalinga-Mineral Springs Road to Highway 198, east on Highway 198 to Parkfield Grade, south on Parkfield Grade to Vineyard Canyon Road, west on Vineyard Canyon Road to Highway 101, north on Highway 101 to Bradley Road, north on Bradley Road to Sargents Road, north on Sargents Road to Pancho Rico Road, west on Pancho Rico Road to Cattleman's Road, north on Cattleman's Road to Highway 198, west on Highway 198 to Highway 101, north on Highway 101 to County Road G13, northeast on County Road G13 to Highway 25, north on Highway 25 to Browns Valley Road, north on Browns Valley Road to Santa Anita Road, northwest on Santa Anita Road to Santa Ana Valley Road, north on Santa Ana Valley Road to Fairview Road, north on Fairview Road to Highway 156, north on Highway 156 to Highway 152, southwest on Highway 152 to County Road G7, southwest on County Road G7 to Highway 25, west on Highway 25 to Highway 101, south on Highway 101 to the San Benito/Monterey county line, south on the San Benito/Monterey county line to Highway 146, west on Highway 146 to Highway 101, south on Highway 101 to Paraiso Springs Road, south on Paraiso Springs Road to County Road G17, south on County Road G17 to County Road 16, northeast on County Road 16 to Central Avenue, southeast on Central Avenue to Highway 101, south on Highway 101 to County Road G14, south on County Road G14 to Milpitas Road, west on Milpitas Road to the boundary of Fort Hunter Liggett, south along the western boundary of

Fort Hunter Liggett to the Nacimiento River, southeast along the Nacimiento River to Nacimiento Reservoir, southeast along the western boundary of Nacimiento Reservoir to Chimney Rock Road, south on Chimney Rock Road to Klau Mine Road, south on Klau Mine Road to Adelaida Road, east on Adelaida Road to Vineyard Drive, southeast on Vineyard Drive to Highway 101, south on Highway 101 to Highway 41, east on Highway 41 to Highway 229, south on Highway 229 to Creston O'Donovan Road, southeast on Creston O'Donovan Road to Highway 58, east on Highway 58 to the boundary of the Los Padres National Forest, south and east along the eastern boundary of the Los Padres National Forest to Highway 33, south on Highway 33 to Quatal Canyon Road, east on Quatal Canyon Road to Cerro Noroeste Road, east on Cerro Noroeste Road to Cuddy Valley Road, east on Cuddy Valley Road to Interstate 5, north on Interstate 5 to Wheeler Ridge Road, east on Wheeler Ridge Road to Laval Road, east on Laval Road to Rancho Road, north on Rancho Road to Sycamore Road, east on Sycamore Road to Tejon Highway, north on Tejon Highway to Highway 223, northeast on Highway 223 to Highway 58, east on Highway 58 to Caliente Bodfish Road, north on Caliente Bodfish Road to Highway 155, northeast then west on Highway 155 to the eastern boundary of the Sequoia National Forest, north and east along the southern boundary of the Sequoia National Forest to the Dome Land Wilderness, north along the eastern boundary of the Dome Land Wilderness to the boundary of the Inyo National Forest, north along the eastern boundary of the Inyo National Forest west of Highway 395 to the intersection of Inyo National Forest and Highway 395 near Sherwin Summit in Mono County, north on Highway 395 to the California/Nevada state line, north on the California/Nevada state line to Highway 395 in Sierra County, north on Highway 395 to Long Valley Road, south on Long Valley Road to the boundary of the Toiyabe National Forest, west along the Toiyabe National Forest boundary to the Tahoe National Forest boundary, west then south then west then north along the Tahoe National Forest boundary to the Plumas National Forest boundary, north then east then north along the eastern boundary of the Plumas National Forest to the Lassen National Forest boundary, north along the eastern boundary of the Lassen National Forest to the northern boundary of the Lassen National Forest, west along the northern boundary of the Lassen National Forest to the western boundary of the Lassen National Forest, south along the western boundary of the Lassen National Forest to the point of beginning.

- (h) Statutory Penalty for Violation of Provisions. Violation of Section 3003.1 or 3003.2 of the Fish and Game Code, or any rule or regulation, including this Section 465.5, adopted pursuant thereto, is punishable by a fine of not less than three hundred dollars (\$300) or more than two thousand dollars (\$2,000), or by imprisonment in the county jail for not more than one year, or by both that fine and imprisonment.

§466. Hours for Taking Furbearers

Furbearers may be hunted at any hour of the day or night except that they may not be taken between one-half hour after sunset and one-half hour before sunrise in the area described in Section 474(a) of these regulations.

§467. Trapping Reports

All holders of trapping licenses must submit to the department a sworn statement or report by July 1 of his/her annual take of fur for the preceding trapping season. Statement or report shall show the number of each kind of furbearing mammals and nongame mammals taken, number sold, county in which furs were taken and the names and addresses of the persons to whom furs were shipped or sold. If the annual report is not received by July 1 following the most recent trapping year, or if it is not completely filled out, the trapper's license will be suspended. The commission shall be notified of any suspension and, subsequently, may revoke or reinstate applicant's license renewal application after written notice is given to the applicant and after he has been afforded an opportunity to be heard.

§472. General Provisions.

Except as otherwise provided in Sections 478 and 485 and subsections (a) through (d) below, nongame birds and mammals may not be taken.

- (a) The following nongame birds and mammals may be taken at any time of the year and in any number except as prohibited in Chapter 6: English sparrow, starling, coyote, weasels, skunks, opossum, moles and rodents (excluding tree and flying squirrels, and those listed as furbearers, endangered or threatened species).
- (b) Fallow, sambar, sika, and axis deer may be taken only concurrently with the general deer season.
- (c) Aoudad, mouflon, tahr, and feral goats may be taken all year.
- (d) American crows (*Corvus brachyrhynchos*) may be taken only under the provisions of Section 485 and by landowners or tenants, or by persons authorized in writing by such landowners or tenants, when American crows are committing or about to commit depredations upon ornamental or shade trees, agricultural crops, livestock, or wildlife, or when concentrated in such numbers and manner as to constitute a health hazard or other nuisance. Persons authorized by landowners or tenants to take American crows shall keep such written authorization in their possession when taking, transporting or possessing American crows. American crows may be taken only on the lands where depredations are occurring or where they constitute a health hazard or nuisance. If required by Federal regulations, landowners or tenants shall obtain a Federal migratory bird depredation permit before taking any American crows or authorizing any other person to take them.

American crows may be taken under the provisions of this subsection only by firearm, bow and arrow, falconry or by toxicants by the Department of Food and Agriculture for the specific purpose of taking depredating crows. Toxicants can be used for taking crows only under the supervision of employees or officers of the Department of Food and Agriculture or federal or county pest control officers or employees acting in their official capacities and possessing a qualified applicator certificate issued pursuant to sections 14151-14155 of the Food and Agriculture Code. Such toxicants must be applied

according to their label requirements developed pursuant to sections 6151-6301, Title 3, California Code of Regulations.

§473. Possession of Nongame Animals.

Any nongame bird or mammal that has been legally taken pursuant to this chapter may be possessed.

§474. Hours for Taking.

Nongame mammals may be taken at any time except as provided in this section.

- (a) Area Closed to Night Hunting. Nongame mammals may be taken only between one-half hour before sunrise and one-half hour after sunset in the following described area: Beginning at a point where Little Panoche Road crosses Interstate 5 near Mendota; south on Interstate 5 to Highway 198; east on Highway 198 to Highway 99; south on Highway 99 to Interstate 5; south on Interstate 5 to the Los Padres National Forest boundary in Section 8, T 9 N, R 19 W, S.B.B.M near Fort Tejon Historical Monument; west along the National Forest boundary to Cerro Noroeste Road; northwest on Cerro Noroeste Road to Highway 33-166; north on Highway 33-166 to the Soda Lake Road; northwest on the Soda Lake Road and on the Simmler Soda Lake San Diego Creek Road to Highway 58 at Simmler; west on Highway 58 to the Cammotti Shandon Road; north on the Cammotti Shandon Road to the Shandon San Juan Road; north on the Shandon San Juan Road to Highway 41; northeast on Highway 41 to the Cholame Valley Road; northwest on Cholame Valley Road and Cholame Road to the Parkfield Coalinga Road in Parkfield; north on Parkfield Coalinga Road and Parkfield Grade to Highway 198; northwest on Highway 198 to the Fresno-Monterey county line; north along the Fresno-Monterey county and Fresno-San Benito county lines to the Little Panoche Road; north and east on the Little Panoche Road to the point of beginning at Interstate 5.

This section does not pertain to the legal take of nongame mammals with traps as provided for by Sections 461-480 of these regulations, and by Sections 4000-4012, 4152 and 4180 of the Fish and Game Code. (This regulation supersedes Section 3000 Of the Fish and Game Code.)

- (b) On privately-owned property, not included in (a) above, nongame mammals may be taken from one-half hour after sunset to one-half hour before sunrise only by the landowner or his agents, or by persons who have in their immediate possession written permission issued by the landowner or tenant that states the permittee can trespass from one-half hour after sunset to one-half hour before sunrise on property under the ownership or control of such landowners or tenants.
- (c) Fallow deer, axis deer, sambar deer, sika deer, aoudad, mouflon, tahr and feral goats may be taken only from one-half hour before sunrise to one-half hour after sunset.

§475. Methods of Take for Nongame Birds and Nongame Mammals.

Nongame birds and nongame mammals may be taken in any manner except as follows.

- (a) Poison may not be used.
- (b) Recorded or electrically amplified bird or mammal calls or sounds or recorded or electrically amplified imitations of bird or mammal calls or sounds may not be used

to take any nongame bird or nongame mammal except coyotes, bobcats, American crows and starlings.

- (c) Fallow deer, sambar deer, axis deer, sika deer, aoudad, mouflon, tahr and feral goats may be taken only with the equipment and ammunition specified in Section 353 of these regulations.
- (d) Traps may be used to take nongame birds and nongame mammal only in accordance with the provisions of Section 465.5 of these regulations and sections 3003.1 and 4004 of the Fish and Game Code.
- (e) No feed, bait or other material capable of attracting a nongame mammal may be placed or used in conjunction with dogs for the purpose of taking any nongame mammals. Nothing in this section shall prohibit an individual operating in accordance with the provisions of Section 465.5 from using a dog to follow a trap drag and taking the nongame mammal caught in that trap.

§478. Bobcat.

Except as provided in subsections (c) and (d) below no person shall pursue, take or possess any bobcat without first procuring a trapping license or a hunting license and bobcat hunting tags. The pursuit, take and/or possession of a bobcat under the authority of a hunting license and a bobcat hunting tag shall be in accordance with the provisions of this section and Sections 265 and 472-479 of these regulations.

Bobcats taken under the authority of a trapping license shall be taken with traps or other means in accordance with this section and Sections 265, 465, 465.5 and 475. Bobcats taken under a trapping license must be tagged in accordance with the provisions of Section 479.

- (a) Trapping Season and Area: Bobcat may only be taken under the authority of a trapping license as follows:
 - (1) Area: Statewide.
 - (2) Season: November 24 through January 31.
- (b) Hunting Season and Area: Bobcats may only be taken under the authority of a hunting license and bobcat hunting tags as follows.
 - (1) Area: Statewide.
 - (2) Season: October 15 through February 28.
- (c) Bag and Possession Limit:
 - (1) Bobcats taken under a hunting license and bobcat hunting tags: Five bobcats per season.
 - (2) Bobcats taken under a trapping license: No limit.
- (d) Dogs may be permitted to pursue bobcats in the course of breaking, training or practicing dogs in accordance with the provisions of Section 265 of these regulations.
- (e) This section shall not apply to bobcats trapped under the provisions of Sections 4152 and 4180 of the Fish and Game Code (also see Section 480 of these regulations).

§478.1. Bobcat Hunting Tags.

- (a) Any person who possesses a valid hunting license may, upon payment of *\$11.50, procure only five revocable, nontransferable bobcat hunting tags. Such tags shall be acquired at designated department offices. These tags do not act as shipping tags as required in Section 479 for pelts taken under a trapping license.

- (b) Bobcat hunting tags are valid only during that portion of the current hunting license year in which bobcats may be legally harvested as provided in Section 478.
 - (c) The holder of a bobcat hunting tag shall fill in his/her name, address, and hunting license number prior to hunting, and carry the tag while hunting bobcats. Upon the harvesting of any bobcat, the hunter shall immediately fill out both parts of the tag and cut out and completely remove appropriate notches that clearly indicate the date of harvest. One part of the tag shall be immediately attached to the pelt and kept attached until it is tanned, dried or mounted. The other part of the tag shall be sent immediately to the department.
 - (d) Possession of any untagged bobcat taken under the authority of the hunting license shall be a violation of this section except that the provisions of this section shall not apply to the owner or tenant of land devoted to the agricultural industry nor to authorized county, state or federal predatory animal control agents operating under a written trapping agreement with the appropriate landowner while on such land and in connection with such agricultural industry. It is unlawful for any person to sell, offer for sale, barter, trade, purchase, transport from this state, or offer for out-of-state shipment by any common carrier any bobcat pelts, or parts thereof taken pursuant to this provision.
 - (e) Any person who is convicted of violating any provision of this chapter shall forfeit his bobcat hunting tags, and shall not apply for additional tags during the then current hunting license year.
- * - Fees are subject to change annually.

§479. Bobcat Pelts.

Bobcat pelts may be taken only pursuant to the provisions of sections 465.5 and 478 of these regulations.

- (a) Any person who takes a bobcat shall, at any time during the trapping season or within 14 days after the end of the bobcat season, have the following appropriate department mark or tag affixed to the pelt.
 - (1) Pelts from bobcats taken under a hunting license shall be tagged as provided in Section 478.1. Pelts taken by a licensed trapper for only his personal use shall, at no cost, be marked by the department. Such pelts shall not be sold.
 - (2) Pelts from bobcats taken for commercial purposes under a trapping license shall be tagged with a department shipping tag.
- (b) It is unlawful for any person to sell, offer for sale, barter, trade, purchase, transport from this state, or offer for out-of-state shipment by any common carrier any bobcat pelts, or parts thereof unless the department has affixed a shipping tag to the pelt or parts thereof.
- (c) Shipping tags and marking are available from the department. All persons taking bobcat pelts under provisions established by the commission must personally present the pelt to a representative of the department for placement of the nontransferable tag or mark and shall furnish the following:
 - (1) Date of take;
 - (2) County of take and nearest major geographical landmark;
 - (3) Sex; and
 - (4) Method of take (trap, call or hounds).

The department shall mark bobcat pelts and issue bobcat shipping tags for export of pelts at designated department offices during the trapping season and for a 14-day period immediately following the trapping season.

An administrative fee of \$3.00 shall be charged for the issuance of each shipping tag.

There is no fee for marking bobcat pelts not for sale.

(d) It is unlawful for any person to import, receive from out-of-state, or receive for sale, any bobcat pelt, or parts thereof that is not:

(1) Marked with the current export or shipping tag from the state of origin.

(2) Accompanied by an import declaration in accordance with Section 2353 of the Fish and Game Code, and specifying the number and kind of raw pelts in the shipment, the state in which the bobcats were taken, the license number under which they were taken and attesting that they were legally taken. Demonstration of the declaration of entry, pelt ownership and proof of legal take and marking is required of anyone receiving bobcat pelts from out-of-state upon the request of the department. The provisions of subsections (a), (b) and (c) shall not apply to raw bobcat pelts, or parts thereof, which were not taken in California.

§480. Bobcat Depredation.

Any person taking a depredating bobcat pursuant to the provisions of Fish and Game Code Section 3003.1 and Section 465.5 of these regulations, shall notify the department within thirty days from the date any bobcat is taken.

CALIFORNIA FISH AND GAME CODE

§1054.2. Possession of License When Taking Game; Requirements.

Every person while engaged in taking any bird, mammal, fish, amphibian, or reptile shall have on his or her person or in his or her immediate possession, or where otherwise specifically required by law to be kept, any license, license tag, license stamp, or permit that is required in order to take the bird, mammal, fish, amphibian, or reptile. In the case of a person diving from a boat, the license or permit may be kept on the boat, or in the case of a person diving from shore, the license or permit may be kept within 500 yards on the shore.

§2080. Import, Export, Take, Possess, Purchase or Sell Endangered Species; Exceptions.

No person shall import into this state, export out of this state, or take, possess, purchase, or sell within this state, any species, or any part or product thereof, that the commission determines to be an endangered species or a threatened species, or attempt any of those acts, except as otherwise provided in this chapter, the Native Plant Protection Act (Chapter 10 commencing with Section 1900) of this code), or the California Desert Native Plants Act (Division 23 (commencing with Section 80001) of the Food and Agricultural Code).

§2080.1. Taking Endangered Species with Federal Incidental Take Statement.

(a) Notwithstanding any other provision of this chapter, or Chapter 10 (commencing with Section 1900) or Chapter 11 (commencing with Section 1925) of Division 2, but subject to subdivision (c), if any person obtains from the Secretary of the Interior or the Secretary of Commerce an incidental take statement pursuant to Section 1536 of Title 16 of the United States Code or an incidental take permit pursuant to Section 1539 of Title 16 of the United States Code that authorizes the taking of an endangered species or a threatened species that is listed pursuant to Section 1533 of Title 16 of the United States Code and that is an endangered species, threatened species, or a candidate species pursuant to this chapter, no further authorization or approval is necessary under this chapter for that person to take that endangered species, threatened species, or candidate species identified in, and in accordance with, the incidental take statement or incidental take permit, if that person does both of the following:

(1) Notifies the director in writing that the person has received an incidental take statement or an incidental take permit issued pursuant to the federal Endangered Species Act of 1973 (16 U.S.C.A. Sec. 1531 et seq.).

(2) Includes in the notice to the director a copy of the incidental take statement or incidental take permit.

(b) Upon receipt of the notice specified in paragraph (1) of subdivision (a), the director shall immediately have published in the General Public Interest section of the California Regulatory Notice Register the receipt of that notice.

(c) Within 30 days after the director has received the notice described in subdivision (a) that an incidental take statement or an incidental take permit has been issued pursuant to the federal Endangered Species Act of 1973, the director shall determine whether the incidental take statement or incidental take permit is consistent with this chapter. If the

director determines within that 30-day period, based upon substantial evidence, that the incidental take statement or incidental take permit is not consistent with this chapter, then the taking of that species may only be authorized pursuant to this chapter.

(d) The director shall immediately publish the determination pursuant to subdivision (c) in the General Public Interest section of the California Regulatory Notice Register.

(e) Unless deleted or extended by a later enacted statute that is chaptered before the date this section is repealed, this section shall remain in effect only until, and is repealed on, the effective date of an amendment to Section 1536 or Section 1539 of Title 16 of the United States Code that alters the requirements for issuing an incidental take statement or an incidental take permit, as applicable.

§2250. Muskrats; Import, Transport or Possess.

It is unlawful to import or transport into or possess any live muskrat (genus *Ondatra*) in California except under permit issued by the department pursuant to Section 2118, or as otherwise provided by law. A county agricultural commissioner, fish and game deputy, or state plant quarantine officer may enter upon lands or waters west of the crest of the Cascade-Sierra Nevada mountain system, and west and south of the Tehachapi, Liebre, San Gabriel, San Bernadino, San Jacinto, Cuyamaca, and connected mountains south to the international boundary, or in any watershed tributary to, or draining into, the Pacific Ocean to remove or destroy the muskrats.

§3003.1. Use of Body-Gripping Traps Prohibited; Buy, Sell, Barter, etc. Fur from Animal Trapped with Prohibited Trap.

Notwithstanding Sections 1001, 1002, 4002, 4004, 4007, 4008, 4009.5, 4030, 4034, 4042, 4152, 4180, or 4181:

(a) It is unlawful for any person to trap for the purposes of recreation or commerce in fur any fur-bearing mammal or nongame mammal with any body-gripping trap. A body-gripping trap is one that grips the mammal's body or body part, including, but not limited to, steel-jawed leghold traps, padded-jaw leghold traps, conibear traps, and snares. Cage and box traps, nets, suitcase-type live beaver traps, and common rat and mouse traps shall not be considered body-gripping traps.

(b) It is unlawful for any person to buy, sell, barter, or otherwise exchange for profit, or to offer to buy, sell, barter, or otherwise exchange for profit, the raw fur, as defined by Section 4005, of any fur-bearing mammal or nongame mammal that was trapped in this state, with a body-gripping trap as described in subdivision (a).

(c) It is unlawful for any person, including an employee of the federal, state, county, or municipal government, to use or authorize the use of any steel-jawed leghold trap, padded or otherwise, to capture any game mammal, fur-bearing mammal, nongame mammal, protected mammal, or any dog or cat. The prohibition in this subdivision does not apply to federal, state, county, or municipal government employees or their duly authorized agents in the extraordinary case where the otherwise prohibited padded-jaw leghold trap is the only method available to protect human health or safety.

(d) For purposes of this section, fur-bearing mammals, game mammals, nongame mammals, and protected mammals are those mammals so defined by statute on January 1, 1997.

§3003.2. Use of Sodium Fluoroacetate to Poison Any Animal Prohibited.

Notwithstanding Sections 4003, 4152, 4180, or 4180.1 of this code or Section 14063 of the Food and Agricultural Code, no person, including an employee of the federal, state, county, or municipal government, may poison or attempt to poison any animal by using sodium fluoroacetate, also known as Compound 1080, or sodium cyanide.

§3003.5. Pursue, Drive, or Herd Any Bird or Mammal with Motorized Vehicle; Exceptions.

It is unlawful to pursue, drive, or herd any bird or mammal with any motorized water, land, or air vehicle, including, but not limited to, a motor vehicle, airplane, powerboat, or snowmobile, except in any of the following circumstances:

- (a) On private property by the landowner or tenant thereof to drive or herd game mammals for the purpose of preventing damage by such mammals to private property.
- (b) Pursuant to a permit from the department issued under such regulations as the commission may prescribe.
- (c) In the pursuit of agriculture.

§3039. Sale or Purchase of Wild Animals; Exceptions.

(a) Except as otherwise provided in this section and Sections 3087 and 4303, or any other provision of this code, or regulations adopted pursuant thereto, it is unlawful to sell or purchase any species of bird or mammal or part thereof found in the wild in California.

(b) Products or handicraft items made from furbearing mammals and nongame mammals, their carcass or parts thereof, lawfully taken under the authority of a trapping license, may be purchased or sold at any time.

(c) Shed antlers, or antlers taken from domestically reared animals that have been manufactured into products or handicraft items, or that have been cut into blocks or units which are to be handcrafted or manufactured into those articles may be purchased or sold at any time. However, complete antlers, whole heads with antlers, antlers that are mounted for display, or antlers in velvet may not be sold or purchased at any time, except as authorized by Section 3087.

(d) Notwithstanding Section 3504, inedible parts of domestically raised game birds may be sold or purchased at any time.

(e) Any person who illegally takes any bird or mammal for profit or for personal gain by engaging in any activity authorized by this section is subject to civil liability pursuant to Section 2582.

§4000. Definition of Fur-Bearing Mammals.

The following are fur-bearing mammals: pine marten, fisher, wolverine, mink, river otter, gray fox, cross fox, silver fox, red fox, kit fox, raccoon, beaver, badger, and muskrat.

§4001. Season for Taking Fur-Bearing Mammals.

Fur-bearing mammals may be taken between November 16th and the day before the last day of February.

§4002. Methods of Taking for Fur-Bearing Mammals.

Fur-bearing mammals may be taken only with a trap, a firearm, bow and arrow, poison under a proper permit, or with the use of dogs.

§4003. Use of Poison to Take – Permit Required.

It is unlawful to use poison to take fur-bearing mammals without a permit from the department. The department may issue such a permit upon a written application indicating the kind of poison desired to be used and the time and place of use.

§4004. Unlawful Methods of Taking.

It is unlawful to do any of the following:

- (a) Use a trap with saw-toothed or spiked jaws.
- (b) Use or sell leghold steel-jawed traps with a spread of 5 1/2 inches or larger without offset jaws.
- (c) Use steel-jawed traps larger than size 1 1/2 or with a spread larger than 4 7/8 inches for taking muskrat.
- (d) Set or maintain traps which do not bear a number or other identifying mark registered to the department or, in the case of a federal, state, county, or city agency, bear the name of that agency, except that traps set pursuant to Section 4152 or 4180 shall bear an identifying mark in a manner specified by the department. No registration fee shall be charged pursuant to this subdivision.
- (e) Fail to visit and remove all animals from traps at least once daily. If the trapping is done pursuant to Section 4152 or 4180, the inspection and removal shall be done by the person who sets the trap or the owner of the land where the trap is set or an agent of either.
- (f) Use a steel leghold trap with a spread exceeding 7 1/2 inches or killer-type trap of the conibear type that is larger than 10 inches by 10 inches.
- (g) Set or maintain steel leghold traps within 30 feet of bait placed in a manner or position so that it may be seen by any soaring bird. As used in this subdivision, "bait" includes any bait composed of mammal, bird, or fish flesh, fur, hide, entrails, or feathers.
- (h) Set or maintain steel leghold traps with a spread of 5 1/2 inches or larger without a tension device.

§4005. Take with Trap or Sell Raw Furs; License Required.

- (a) Except as otherwise provided in this section, every person, other than a fur dealer, who traps fur-bearing mammals or nongame mammals, designated by the commission or who sells raw furs of those mammals, shall procure a trapping license. "Raw fur" means any fur, pelt, or skin that has not been tanned or cured, except that salt-cured or sun-cured pelts are raw furs.
- (b) The department shall develop standards that are necessary to ensure the competence and proficiency of applicants for a trapping license. No person shall be issued a license until he or she has passed a test of his or her knowledge and skill in this field.
- (c) Persons trapping mammals in accordance with Section 4152 or 4180 are not required to procure a trapping license except when providing trapping services for profit.
- (d) No raw furs taken by persons providing trapping services for profit may be sold.

(e) Officers or employees of federal, county, or city agencies or the department, when acting in their official capacities, or officers or employees of the Department of Food and Agriculture when acting pursuant to the Food and Agricultural Code pertaining to pests or pursuant to Article 6 (commencing with Section 6021) of Chapter 9 of Part 1 of Division 4 of the Food and Agricultural Code, are exempt from the license requirement of this section.

§4006. License Fees.

A trapping license shall be issued as follows:

(a) To any resident of this state over the age of 16 years upon payment of a base fee of forty-five dollars (\$45), as adjusted under Section 713.

(b) To any resident of this state under the age of 16 years upon payment of a base fee of fifteen dollars (\$15), as adjusted under Section 713.

(c) To any person not a resident of this state upon payment of a base fee of two hundred twenty-five dollars (\$225), as adjusted under Section 713.

A license shall not be issued to a nonresident if the state in which he or she resides does not provide for issuance of a nonresident trapping license to California residents. Also, a nonresident issued a license under this subdivision may take only those species, and may take or possess only that quantity of a species which a resident of California may take or possess under a nonresident trapping license or permit in the state of residence of that nonresident.

§4007. License Term and Authorizations.

A trapping license authorizes the person to whom it is issued to take, during the open season, fur-bearing mammals and nongame mammals for a term of one year from July 1st, or if issued after the beginning of such term, for the remainder thereof and to sell the raw fur of any such animal.

§4008. License Applicant's Statement of Previous Trapping, etc.

No trapping license shall be issued to any applicant within one year following the expiration of any trapping license previously issued to such applicant unless he has submitted to the department a sworn statement showing the number of each kind of fur-bearing mammals and nongame mammals taken under the previous license and the names and addresses of the persons to whom they were shipped or sold.

§4009. Traps; Remove or Disturb.

It is unlawful to remove or disturb the trap of any licensee while the trap is being used by the licensee on public land or on land where the licensee has permission to trap. This section does not apply to any employee of the department while engaged in the performance of official duties.

§4009.5. Trapping License – Adoption of Regulations by Commission.

The commission may adopt such regulations as it determines to be necessary to regulate the taking and sale of fur-bearing mammals or nongame mammals taken under a trapping license.

§4010. Confined Fur-bearing Mammals.

The provisions of this chapter do not apply to, or prohibit the propagation of, fur-bearing mammals which are confined in accordance with the regulations of the commission.

§4011. Taking of Mammals Involved in Dangerous Disease Outbreaks.

Fur-bearing mammals, game mammals, and nongame mammals, when involved in dangerous disease outbreaks, may be taken by duly constituted federal officers of the United States Departments of Agriculture, Interior, and Public Health and state officers of the California Departments of Food and Agriculture, Health Services, and Fish and Game.

§4012. Taking of Fox for Profit.

It is unlawful to take any cross fox, silver fox, or red fox for profit making purposes.

§4030. License Requirements for Fur Dealer.

Every person engaging in, carrying on, or conducting wholly or in part the business of buying, selling, trading or dealing in raw furs of fur-bearing mammals or nongame mammals is a fur dealer and shall procure a fur dealer license. No fur dealer license shall be required of a licensed trapper selling raw furs which he has lawfully taken, or a domesticated game breeder selling raw furs of animals which he has raised.

§4031. License Fee.

A revocable fur dealer license shall be issued to any person upon payment of a base fee of seventy dollars (\$70), as adjusted under Section 713.

§4032. License Requirements for Fur Agent.

Any person who is employed by a licensed fur dealer to engage in the business of buying, selling, trading, or dealing in raw furs only on behalf of the fur dealer and not on his own behalf is a fur agent and shall procure a fur agent license.

§4033. Fur Agent Revocable License.

A revocable fur agent license shall be issued to any person who is employed by a licensed fur dealer upon payment of a base fee of thirty-five dollars (\$35), as adjusted under Section 713.

§4034. Authority and Term of Fur Dealer License.

A fur dealer license authorizes the person to whom it is issued to buy, sell, barter, exchange, or possess raw furs or parts thereof of fur-bearing mammals and nongame mammals for a term of one year from July 1st, or if issued after the beginning of such term, for the remainder thereof.

§4035. Display of License.

A fur dealer or fur agent license shall be shown upon request to any person authorized to enforce the provisions of this code.

§4036. Raw Fur Purchase Restrictions.

It shall be unlawful for any fur dealer to purchase the raw fur of any fur-bearing mammal or nongame mammal from any person who does not hold a valid trapping license, fur dealer license, or fur agent license.

§4037. Raw Fur Transfer Record Requirements.

Every fur dealer licensed pursuant to this article shall maintain a true and legible record of any transfer of raw furs to show:

- (a) The license number, name, and address of the seller.
- (b) The signature, name, and license number, if applicable, of the buyer.
- (c) The number and species of raw furs transferred, by county of take.
- (d) The price paid or terms of exchange.
- (e) The date of transfer.
- (f) Such other information as the department may require.

§4038. Records – Available for Inspection at All Times.

The record of sale, exchange, barter, or gift shall be available for inspection at any time by the department.

§4040. Annual Report by Dealers of Fur Transfers.

Each licensed fur dealer shall submit an annual report to the department on the sale, exchange, barter, or gift of raw furs, on forms furnished by the department. No license shall be renewed until such a report is received.

§4041. Confidentiality of Receipts, Records and Reports.

The receipts, records, and reports required by this article and the information contained therein, shall be confidential, and the records shall not be public records. Any information which is published shall be published in such a manner as to preserve confidentiality of the persons involved.

§4042. Regulation of Raw Fur Business by Commission.

The commission may regulate the business of buying, selling, trading, or dealing in raw furs, or parts thereof, of all fur-bearing mammals or nongame mammals under a fur dealer license.

§4043. License Revocation.

Any license issued under this chapter may be revoked by the commission at one of the commission's regularly scheduled meetings, upon the licensee's conviction of a violation of this article.

§4150. Definition of Nongame Mammals; Take or Possess.

All mammals occurring naturally in California which are not game mammals, fully protected mammals, or fur-bearing mammals, are nongame mammals. Nongame mammals or parts thereof may not be taken or possessed except as provided in this code or in accordance with regulations adopted by the commission.

§4152. Taking of Nongame Mammals Found Injuring Crops or Property.

Except as provided in Section 4005, nongame mammals and black-tailed jackrabbits, muskrats, and red fox squirrels that are found to be injuring growing crops or other property may be taken at any time or in any manner in accordance with this code by the owner or tenant of the premises or employees thereof, except that if leghold steel-jawed traps are used to take those mammals, the traps and the use thereof shall be in accordance with subdivisions (a), (b), and (d) of Section 4004. They may also be taken by officers or employees of the Department of Food and Agriculture or by federal, county, or city, officers or employees when acting in their official capacities pursuant to the provisions of the Food and Agricultural Code pertaining to pests, or pursuant to Article 6 (commencing with Section 6021) of Chapter 9 of Part 1 of Division 4 of the Food and Agricultural Code. Persons taking mammals in accordance with this section are exempt from the requirements of Section 3007. Raw furs, as defined in Section 4005, that are taken under this section, may not be sold. Traps used pursuant to this section shall be inspected and all animals in the trap shall be removed at least once daily. The inspection and removal shall be done by the person who sets the trap or the owner of the land where the trap is set or an agent of either.

§4180. Take Fur-bearing Mammals; Conditions; Use of Leghold Steel-jawed Traps; Removal of Animals in the Trap.

Except as provided for in Section 4005, fur-bearing mammals that are injuring property may be taken at any time and in any manner in accordance with this code, except that if leghold steel-jawed traps are used to take those mammals, the traps and the use thereof shall be in accordance with subdivisions (a), (b), and (d) of Section 4004. Raw furs, as defined in Section 4005, that are taken under this section, may not be sold. Traps used pursuant to this section shall be inspected and all animals in the trap shall be removed at least once daily. The inspection and removal shall be done by the person who sets the trap or the owner of the land where the trap is set or an agent of either.

§4180.1. Manners of Taking Immature Depredator Mammals.

It is unlawful to use snares, hooks, or barbed wire to remove from the den, or fire to kill in the den, any immature depredator mammal. Nothing in this section shall prohibit the use of fire-ignited gas cartridges or other products registered or permitted under the Federal Insecticide, Rodenticide, and Fungicide Act (7 U.S.C. 135 et seq.).

§4181. Kill Elk, Bear, Beaver, Wild Pig, or Gray Squirrels Damaging Property; Permit Required.

(a) Except as provided in Section 4181.1, any owner or tenant of land or property that is being damaged or destroyed or is in danger of being damaged or destroyed by elk, bear, beaver, wild pig, wild turkeys, or gray squirrels, may apply to the department for a permit to kill the animals. Subject to the limitations in subdivisions (b) and (d), the department, upon satisfactory evidence of the damage or destruction, actual or immediately threatened, shall issue a revocable permit for the taking and disposition of the animals under regulations adopted by the commission. The permit shall include a statement of the penalties that may be imposed for a violation of the permit conditions. Animals so taken shall not be sold or shipped from the premises on which they are taken

except under instructions from the department. No iron-jawed or steel-jawed or any type of metal-jawed trap shall be used to take any bear pursuant to this section. No poison of any type may be used to take any gray squirrel or wild turkey pursuant to this section. The department shall designate the type of trap to be used to ensure the most humane method is used to trap gray squirrels. The department may require trapped squirrels to be released in parks or other nonagricultural areas. It is unlawful for any person to violate the terms of any permit issued under this section.

(b) The permit issued for taking bears pursuant to subdivision (a) shall contain the following facts:

- (1) Why the issuance of the permit was necessary.
- (2) What efforts were made to solve the problem without killing the bears.
- (3) What corrective actions should be implemented to prevent reoccurrence.

(c) With respect to wild pigs, the department shall provide an applicant for a depredation permit to take wild pigs or a person who reports taking wild pigs pursuant to subdivision (b) of Section 4181.1 with written information that sets forth available options for wild pig control, including, but not limited to, depredation permits, allowing periodic access to licensed hunters, and holding special hunts authorized pursuant to Section 4188. The department may maintain and make available to these persons lists of licensed hunters interested in wild pig hunting and lists of nonprofit organizations that are available to take possession of depredating wild pig carcasses.

(d) With respect to elk, the following procedures shall apply:

- (1) Prior to issuing a depredation permit pursuant to subdivision (a), the department shall do all of the following:
 - (A) Verify the actual or immediately threatened damage or destruction.
 - (B) Provide a written summary of corrective measures necessary to immediately alleviate the problem.
 - (C) Determine the viability of the local herd, and determine the minimum population level needed to maintain the herd.
 - (D) Ensure the permit will not reduce the local herd below the minimum.
 - (E) Work with affected landowners to develop measures to achieve long-term resolution, while maintaining viability of the herd.
- (2) After completing the statewide elk management plan pursuant to Section 3952, the department shall use the information and methods contained in the plan to meet the requirements of subparagraphs (C), (D), and (E) of paragraph (1).

§4700. Take or Possess Fully Protected Mammals Prohibited.

(a) (1) Except as provided in Section 2081.7, fully protected mammals or parts thereof may not be taken or possessed at any time. No provision of this code or any other law shall be construed to authorize the issuance of permits or licenses to take any fully protected mammal, and no permits or licenses heretofore issued shall have any force or effect for that purpose. However, the department may authorize the taking of those species for necessary scientific research, including efforts to recover fully protected, threatened, or endangered species. Prior to authorizing the take of any of those species, the department shall make an effort to notify all affected and interested parties to solicit information and comments on the proposed authorization. The notification shall be published in the California Regulatory Notice Register and be made available to

each person who has notified the department, in writing, of his or her interest in fully protected species and who has provided an e-mail address, if available, or postal address to the department. Affected and interested parties shall have 30 days after notification is published in the California Regulatory Notice Register to provide any relevant information and comments on the proposed authorization.

(2) As used in this subdivision, "scientific research" does not include any actions taken as part of specified mitigation for a project, as defined in Section 21065 of the Public Resources Code.

(3) Legally imported fully protected mammals or parts thereof may be possessed under a permit issued by the department.

(b) The following are fully protected mammals:

(1) Morro Bay kangaroo rat (*Dipodomys heermanni morroensis*).

(2) Bighorn sheep (*Ovis canadensis*), except Nelson bighorn sheep (subspecies *Ovis canadensis nelsoni*) as provided by subdivision (b) of Section 4902.

(3) Northern elephant seal (*Mirounga angustirostris*).

(4) Guadalupe fur seal (*Arctocephalus townsendi*).

(5) Ring-tailed cat (genus *Bassariscus*).

(6) Pacific right whale (*Eubalaena sieboldi*).

(7) Salt-marsh harvest mouse (*Reithrodontomys raviventris*).

(8) Southern sea otter (*Enhydra lutris nereis*).

(9) Wolverine (*Gulo luscus*).

§5652. Refuse Disposal into Waters; Exceptions.

It is unlawful to deposit, permit to pass into, or place where it can pass into the waters of the state, or to abandon, dispose of, or throw away, within 150 feet of the high-water mark of the waters of the state, any cans, bottles, garbage, motor vehicle or parts thereof, rubbish, or the viscera or carcass of any dead mammal, or the carcass of any dead bird.

The abandonment of any motor vehicle in any manner that violates this section shall constitute a rebuttable presumption affecting the burden of producing evidence that the last registered owner of record, not having complied with Section 5900 of the Vehicle Code, is responsible for such abandonment and is thereby liable for the cost of removal and disposition of the vehicle. This section prohibits the placement of a vehicle body on privately owned property along a streambank by the property owner or tenant for the purpose of preventing erosion of the streambank. This section does not apply to a refuse disposal site which is authorized by the appropriate local agency having jurisdiction or to the depositing of such materials in a container from which the materials are routinely removed to a legal point of disposal. This section shall be enforced by all law enforcement officers of this state.